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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,469	09/10/2003	Luciano Zucco	2504-1075	2211

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EXAMINER

KRISHNAMURTHY, RAMESH

ART UNIT PAPER NUMBER

3753

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/658,469

Applicant(s)

ZUCCO ET AL.

Examiner

Ramesh Krishnamurthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/23/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This office action is responsive to communications filed 02/23/2005.

**Claims 1 – 11 are pending.**

1. The specification lacks proper section headings such as Introduction, Summary of Invention, Brief Description of Drawings, etc.

Appropriate correction is required. See MPEP 608.01(a).

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 8 recites the limitation "said means for completely and abruptly opening and closing" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 – 5, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fitzgerald et al. (US 3,586,027).

Fitzgerald et al. discloses a valve assembly for regulating the pressure of a system of the type comprising a valve (5) provided with a seat (54) which receives a

shutter element (48) axially translatable to open or close selectively a fluid passage duct of said system; motor means (18, 20) guided by control means (Fig. 1) actuate said shutter element; at least one sensor (7) measuring the pressure of the fluid circulating in the system and at least one processor to process signals received from said at least one sensor and control said motor means (Col. 3, lines 30 – 75); said motor means comprise an electric motor (18), actuating said shutter element (48), by means of transmission member (20); said electric motor is a geared motor or a stepped motor; said motor means further comprise a drive shaft (36) engaged, in an axially slidable manner, in a seat of said transmission member constrained at the bottom to the shutter element. Fitzgerald et al. discloses a safety means (Col. 5, lines 24 – 32)

It is noted that the device disclosed by Fitzgerald et al. necessarily performs the method recited in claim 11.

7. Claims 1 – 6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al. (US 4,779,642).

Wood et al. discloses a valve assembly for regulating the pressure of a system of the type comprising a valve (20) provided with a seat (32) which receives a shutter element (38) axially translatable to open or close selectively a fluid passage duct of said system; motor means (19, 22, 24, 25, 27) guided by control means (Fig. 1) actuate said shutter element; at least one sensor (12) measuring the pressure of the fluid circulating in the system and at least one processor to process signals received from said at least one sensor and control said motor means (Col. 3, lines 30 – 55); said motor means comprise an electric motor (19), actuating said shutter element (38), by means of

transmission member (22, 24, 25, 27, 33); said electric motor is a geared motor or a stepped motor; said motor means further comprise a drive shaft (27) engaged, in an axially slidable manner, in a seat of said transmission member constrained at the bottom to the shutter element. The seat (32) comprises a thread that is engageable on the thread made on the shutter element (38), via its connection to the part (33), to convert the rotation of the drive shaft (27) into an axial translation of said shutter element.

It is noted that the device disclosed by Wood et al. necessarily performs the method recited in claim 11.

8. Claims 1 –5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al. (US 4,915,349).

Inoue et al. discloses a valve assembly for regulating the pressure of a system of the type comprising a valve body (1) provided with a seat (13) which receives a shutter element (12) axially translatable to open or close selectively a fluid passage duct of said system; motor means (5) guided by control means actuate said shutter element; at least one sensor measuring the pressure of the fluid circulating in the system and at least one processor to process signals received from said at least one sensor and control said motor means (Col. 4, lines 30 – 75); said motor means comprise an electric motor (5), actuating said shutter element by means of transmission member (6 - 9); said electric motor is a geared motor or a stepped motor; said motor means further comprise a drive shaft (6) engaged, in an axially slidable manner, in a seat of said transmission member constrained at the bottom to the shutter element. It is noted that Inoue et al. discloses

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(Fig. 5) means (26, 27) for completely and abruptly opening and closing the fluid passage duct.

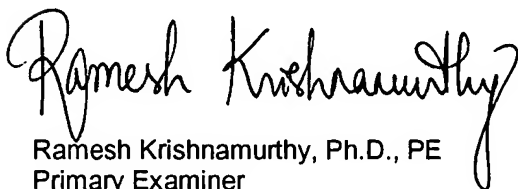
9. Claims 8 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (571) 272 – 4914. The examiner can normally be reached on Monday - Friday from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene L. Mancene, can be reached on (571) 272 – 4930. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 – 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0861.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramesh Krishnamurthy, Ph.D., PE  
Primary Examiner  
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